

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN D. COCKSHUTT,

Plaintiff,

vs.

Case No. 2:12-cv-532
Magistrate Judge King

STATE OF OHIO, DEPARTMENT OF
REHABILITATION & CORRECTION,
et al.,

Defendants.

OPINION AND ORDER

This matter is before the Court, with the consent of the parties pursuant to 28 U.S.C. § 636(c), on plaintiff's *Request for Funds to Conduct Discovery* ("Plaintiff's Request for Funds"), Doc. No. 74. Plaintiff seeks \$1,000.00 to hire an investigative company pursuant to 42 U.S.C. § 3006A(e)(1) "to conduct discovery at Madison Correctional Institution." *Id.* at pp. 1-2. Specifically, plaintiff intends to photograph the visiting room, hospital, receiving building, and the "[f]rontage and [b]acksides" of the Madison Correctional Institution. *Id.* Plaintiff argues that he is entitled to receive funds because he is proceeding *in forma pauperis*. *Id.* According to plaintiff, the discovery sought will "demonstrate to this Court the sheer ignorance of the allegations against this Plaintiff." *Id.*

Defendants oppose Plaintiff's Request for Funds on the basis that plaintiff is not entitled to funds under the applicable statute, 18 U.S.C. § 3006A. Doc. No. 75. Plaintiff has not filed a reply.

Plaintiff's Request for Funds refers to 42 U.S.C. § 3006A; however, the Criminal Justice Act, 18 U.S.C. § 3006A, appears to be the applicable statute:

Upon request.--Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for adequate representation may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court, or the United States magistrate judge if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

18 U.S.C. § 3006A(e)(1). Section 3006A does not, however, apply in civil actions such as the case presently before the Court. See 18 U.S.C. § 3006A(a)(1). *Plaintiff's Request for Funds*, Doc. No. 74, is therefore **DENIED**.

This matter is also before the Court on plaintiff's *Motion for Continuance*, Doc. No. 76, in which plaintiff seeks "a 14 day continuance to proceed *in forma pauperis*" so that he can obtain financial documents to establish his indigence. Plaintiff was granted leave to proceed *in forma pauperis* under 28 U.S.C. § 1915(a) on June 18, 2012. *Order*, Doc. No. 2. No further action is required at this time for plaintiff to proceed *in forma pauperis*. Plaintiff's *Motion for Continuance*, Doc. No. 76, is therefore **DENIED** as moot.

May 31, 2013

s/Norah McCann King
Norah McCann King
United States Magistrate Judge